

## DECLARATION and POWER of ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**POLYNUCLEOTIDES ENCODING AMINOLEVULINIC ACID BIOSYNTHETIC ENZYMES**

the specification of which is attached hereto unless the following box is checked:

■ was filed on 28 JULY 2000 as U.S. Application No. \_\_\_\_\_ or PCT International Application No.PCT/US00/21008 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Application No.

Country

Filing Date

Priority Claimed (Yes/No)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States Provisional Application(s) listed below.

U.S. Provisional Application No.

U.S. Filing Date

60/146,600

30 JULY 1999

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application No.

Filing Date

Status (patented, pending or abandoned)

PCT/US00/21008

28 JULY 2000

Pending

**POWER OF ATTORNEY:** I hereby appoint the following attorney(s) and/or agent(s) the power to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:Name: THOMAS M. RIZZORegistration No.: 41,272

Send correspondence and direct telephone calls to:

THOMAS M. RIZZOE. I. du Pont de Nemours and Company  
Legal - Patents  
Wilmington, DE 19898, U.S.A.Tel. No.  
(302) 892-7760Fax No.  
(302) 892-7949

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

## INVENTOR(S)

Full Name of Inventor 1-00	Last Name	First Name	Middle Name
<u>Signature (please sign full name):</u> <u>Rebecca E. Cahoon</u>	<u>CAHOON</u>	<u>REBECCA</u>	<u>E.</u>
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
<u>WILMINGTON DE</u>	<u>WILMINGTON</u>	<u>DELAWARE</u>	<u>U.S.A.</u>
Post Office Address	Post Office Address	City	State or Country
<u>2331 WEST 18TH STREET</u>	<u>WILMINGTON</u>	<u>DELAWARE</u>	<u>19806</u>
Full Name of Inventor 2-00	Last Name	First Name	Middle Name
<u>Signature (please sign full name):</u> <u>Steven Courtney</u>	<u>COURTNEY</u>	<u>STEVEN</u>	<u>T.</u>
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
<u>WILMINGTON DE</u>	<u>WILMINGTON</u>	<u>DELAWARE</u>	<u>U.S.A.</u>
Post Office Address	Post Office Address	City	State or Country
<u>4 AUSTIN ROAD</u>	<u>WILMINGTON</u>	<u>DELAWARE</u>	<u>19810</u>
Full Name of Inventor 3-00	Last Name	First Name	Middle Name
<u>Signature (please sign full name):</u> <u>Julie Harrelle</u>	<u>HARVELL</u>	<u>LESLIE</u>	<u>J.</u>
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
<u>NEWARK DE</u>	<u>NEWARK</u>	<u>DELAWARE</u>	<u>U.S.A.</u>
Post Office Address	Post Office Address	City	State or Country
<u>103 EDWARD LEE COURT</u>	<u>NEWARK</u>	<u>DELAWARE</u>	<u>19713</u>

☐ Additional Inventors are being named on separately numbered sheets attached hereto.

Full Name of Inventor 4-00	Last Name <b>RAFALSKI</b>	First Name <b>J.</b>	Middle Name <b>ANTONI</b>
	Signature (please sign full name): <i>[Signature]</i>		Date: <b>10-11-2000</b>
Residence & Citizenship	City <b>WILMINGTON, DE</b>	State or Foreign Country <b>DELAWARE</b>	Country of Citizenship <b>U.S.A.</b>
Post Office Address	Post Office Address <b>2028 LONGCOME DRIVE</b>	City <b>WILMINGTON</b>	State or Country <b>DELAWARE</b> Zip Code <b>19810</b>
Full Name of Inventor 5-00	Last Name <b>TAO</b>	First Name <b>YONG</b>	Middle Name
	Signature (please sign full name): <i>[Signature]</i>		Date: <b>September 26th 2000</b>
Residence & Citizenship	City <b>NEWARK, DE</b>	State or Foreign Country <b>DELAWARE</b>	Country of Citizenship <b>CHINA</b>
Post Office Address	Post Office Address <b>401 8 THORN LANE</b>	City <b>NEWARK</b>	State or Country <b>DELAWARE</b> Zip Code <b>19711</b>
Full Name of Inventor 6-00	Last Name <b>WENG</b>	First Name <b>ZUDE</b>	Middle Name
	Signature (please sign full name): <i>[Signature]</i>		Date: <b>10-18-2000</b>
Residence & Citizenship	City <b>DÉS PLAINES, IL</b>	State or Foreign Country <b>ILLINOIS</b>	Country of Citizenship <b>CHINA</b>
Post Office Address	Post Office Address <b>495 LESLIE COURT, APARTMENT 301</b>	City <b>DÉS PLAINES</b>	State or Country <b>ILLINOIS</b> Zip Code <b>60016</b>

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